



February 13, 2007

HOUSE BILL No. 1322

DIGEST OF HB 1322 (Updated February 7, 2007 7:43 pm - DI 52)

Citations Affected: IC 14-8; IC 14-11.

Synopsis: Mineral extraction. Requires the department of natural resources to hold a local public meeting before the department may sell, lease, exchange, or transfer property or an interest in property to another person for the purpose of: (1) extraction of overburden for surface mining of geological material; or (2) exploration for geological material. Exempts from the public meeting requirement transactions concerning property being restored by the department under abandoned mines statutes.

Effective: July 1, 2007.

Crooks, Ulmer

January 16, 2007, read first time and referred to Committee on Natural Resources.
February 12, 2007, amended, reported — Do Pass.

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HB 1322—LS 7514/DI 77+



February 13, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1322

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-8-2-112.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2007]: **Sec. 112.5. "Geological material", for**
4 **purposes of IC 14-11-1-8, has the meaning set forth in**
5 **IC 14-11-1-8(a).**
6 SECTION 2. IC 14-8-2-194 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 194. "Overburden", for
8 purposes of **IC 14-11-1-8 and** IC 14-36-1, has the meaning set forth in
9 IC 14-36-1-10.
10 SECTION 3. IC 14-8-2-219 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 219. "Property" has the
12 following meaning:
13 (1) **For purposes of IC 14-11-1-8, the meaning set forth in**
14 **IC 14-11-1-8(b).**
15 (†) (2) For purposes of IC 14-12-2 and IC 14-21-3, the meaning
16 set forth in IC 14-12-2-6.
17 (‡) (3) For purposes of IC 14-18-8, the meaning set forth in

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IC 14-18-8-1.

SECTION 4. IC 14-11-1-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 8. (a) As used in this section, "geological material" means organic and inorganic minerals that are located on the ground surface, below ground level, or under water, including coal, shale, oil shale, peat, sand, gravel, clay, limestone, dolomite, anhydrite, and gypsum.**

(b) As used in this section, "property" means real property that is:

- (1) owned by the state; and**
- (2) held or managed by the department.**

(c) Except as provided in subsection (f), the department may not sell, lease, exchange, or transfer:

- (1) any property; or**
- (2) any interest in a property;**

to another person for a purpose listed in subsection (d) unless the department holds a meeting as described in subsection (e).

(d) The purposes referred to in subsection (c) are as follows:

- (1) Extraction of overburden for surface mining of geological material.**
- (2) Exploration for geological material.**

(e) The department must:

- (1) hold a meeting referred to in subsection (c) in a county in which the property referred to in subsection (c) is wholly or partially located;**
- (2) provide to the public at the meeting information concerning the proposed transaction described in subsection (c); and**
- (3) allow members of the public to speak at the meeting concerning the proposed transaction described in subsection (c).**

(f) Subsection (c) does not apply to a transaction described in subsection (c) if the department is restoring the land that is the subject of the transaction under IC 14-34-19.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1322, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 2. IC 14-8-2-194 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 194. "Overburden", for purposes of **IC 14-11-1-8 and IC 14-36-1**, has the meaning set forth in IC 14-36-1-10."

Page 2, line 4, delete "The term does not include oil or natural".

Page 2, delete line 5.

Page 2, line 10, delete "The" and insert **"Except as provided in subsection (f), the"**.

Page 2, line 13, delete "the purpose of allowing the extraction of" and insert **"a purpose listed in subsection (d) unless the department holds a meeting as described in subsection (e).**

(d) The purposes referred to in subsection (c) are as follows:

(1) Extraction of overburden for surface mining of geological material.

(2) Exploration for geological material.

(e) The department must:

(1) hold a meeting referred to in subsection (c) in a county in which the property referred to in subsection (c) is wholly or partially located;

(2) provide to the public at the meeting information concerning the proposed transaction described in subsection (c); and

(3) allow members of the public to speak at the meeting concerning the proposed transaction described in subsection (c).

(f) Subsection (c) does not apply to a transaction described in subsection (c) if the department is restoring the land that is the subject of the transaction under IC 14-34-19."

Page 2, delete lines 14 through 15.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1322 as introduced.)

BISCHOFF, Chair

Committee Vote: yeas 7, nays 0.

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